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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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ATTORNEY DOCKET NO. 15258US07

APR 22 2004

Technology Center 2600

In the Application of:

Ahmadreza Rofougaran et al.

Serial No.: 09/699,040

Filed: October 27, 2000

For: Adaptive Radio Transceiver  
With Offset PLL With  
Subsampling Mixers

Examiner: Marceau Milord

Group Art Unit: 2682

Confirmation No.: 7410

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 15, 2004.

*Michael T. Cruz*  
Michael T. Cruz  
Reg. No. 44,636

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice of Abandonment ("the Notice") mailed on April 7, 2004 for the above-identified application ("the present application"), Applicants respectfully submit this paper which is a timely Petition to Withdraw a Holding of Abandonment.

The Notice states that the present application was abandoned in view of Applicants' failure to timely file a proper reply to an Office Action mailed on August 1, 2003 ("the Office Action"). However, Applicants respectfully submit that a Response to the Office Action ("the Response") was filed on December 1, 2003 accompanied with a Petition Fee and a Petition for a One-Month Extension of Time.

In support of Applicants' statement, Applicants have enclosed a copy of:

- (1) the Notice mailed April 7, 2004;
- (2) Applicants' Response mailed on December 1, 2003 including:
  - (a) a Transmittal Form with a date of deposit of December 1, 2003, a United States Postal Service ("U.S.P.S.") Express Mail Mailing Label No. EV 303831650 US and an Attorney Docket No. 15258US07, the transmittal form also stating that a Fee Transmittal, a fee, an amendment/reply, an extension of time request, 53 sheets of drawings, a return receipt postcard and an article by Eliot Fenton et al. were enclosed with the filing;
  - (b) a Fee Transmittal dated December 1, 2003, the Fee Transmittal stating that a fee of \$110.00 was enclosed in the form of a check in the amount of \$110.00 for an extension for reply within the first month and listing Attorney Docket No. 15258US07;
  - (c) a Petition for an Extension of Time under 37 C.F.R. § 1.136(a) dated December 1, 2003, the Petition for an Extension of Time requesting a one-month extension for a fee of \$110.00 and listing Attorney Docket No. 15258US07;
  - (d) a Response to the Office Action with a Certificate of Mailing that, without intention, erroneously listed November 25, 2003, as the date of deposit, the Response stating on page 1 an Attorney Docket No. 15258US07 and stating on page 4 a date of December 1, 2003;

- (e) an article entitled "Design A Low-Noise Synthesizer Using YRO Technology" which was written by Eliot Fenton and Andy Goddard; and
  - (f) fifty-three (53) sheets of drawings;
- (3) U.S.P.S. Express Mail Mailing Label No. EV 303831650 US dated December 1, 2003 with Attorney Docket No. 1772-15258US07;
- (4) a Return Receipt Postcard dated December 1, 2003 with the date stamp of the Office of Initial Patent Examination (OIPE) of December 1, 2003, the Return Receipt Postcard also including the U.S.P.S. Express Mail Mailing Label No. EV 303831650 US and Attorney Docket No. 15258US07;
- (5) a Track & Confirm report ("the Report") about Shipment Details relating to EV 303831650 US obtained from the U.S.P.S. web site, the Report indicating that the U.S.P.S. Express Mail package was successfully delivered to the Patent Office of Alexandria, Virginia 22313 at 9:30 A.M. on December 2, 2003 and that the U.S.P.S. Express Mail package was signed for by R. Atiati; and
- (6) a cancelled check (i.e., Check No. 13786) in the amount of \$110.00 to the order of the Commissioner of Patents and Trademarks, the cancelled check was dated December 1, 2003 and was for the payment of the one-month extension requested under the Petition for an Extension of Time.

Applicants respectfully submit that the evidence, submitted in support of the Petition to Withdraw a Holding of Abandonment, indicates that the Response with the proper Petition fee and the Petition for an Extension of Time was timely filed on December 1, 2003. The Response with the Petition fee and Petition for an Extension of Time was successfully received by the United States Patent and Trademark Office on December 2, 2003. Thus, Applicants believe that the issuance of the Notice was due to an error and that the error was not caused by Applicants.

It is therefore respectfully requested that the Notice be withdrawn in the present application.

If the Office of Petitions has any questions, then the Office of Petitions is invited and encouraged to contact Applicants' registered representative at the below-listed telephone number.

Although no fee is believed due under these circumstances, the Commissioner is authorized to charge any necessary fees or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,

Date: April 15, 2004

Michael T. Cruz  
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Reg. No. 44,636

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